

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

**CALVIN TYRONE CHEEKS,  
Plaintiff,**

**Civil Action No. 7:23-cv-00649**

**v.**

**OPINION**

**ISRAEL D. HAMILTON,  
Defendant(s).**

**By: James P. Jones  
Senior United States District Judge**

Plaintiff, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. §1983. By order entered October 27, 2023, the court directed plaintiff to submit within 30 days from the date of the order the consent to withholding of filing fees form in order to complete the application to proceed without the prepayment of the filing fee. Plaintiff was advised that a failure to comply would result in dismissal of this action without prejudice.

More than 30 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 7th day of December, 2023.

/s/James P. Jones  
Senior United States District Judge